



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

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No. 35 of 1977

**An Act to amend the Traffic Act 1949–1977 in certain particulars and for an incidental purpose**

[ASSENTED TO 19TH SEPTEMBER, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Traffic Act Amendment Act 1977*.

(2) In this Act the *Traffic Act 1949–1977* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Traffic Act 1949–1977*.

**2. Amendment of s. 57.** Section 57 of the Principal Act is amended by omitting from subsection (1) the last paragraph and substituting the following paragraph:—

“ This subsection shall be read and construed so that an appeal hereunder shall not lie under this subsection—

- (a) in respect of the cancellation or suspension of a driver's license by reason of the disqualification from holding or obtaining that license of the licensee upon his conviction or by order of a Judge of the Supreme Court or District Court or of the Court;
- (b) in respect of the cancellation or suspension of a license by or at or pursuant to the order or direction of a Judge of the Supreme Court or District Court or of the Court under any provision of this Act or under any other Act or law; or
- (c) in respect of the refusal to issue or renew a license or a suspension or cancellation of a license or the imposition of a condition in respect of a license if provision is made elsewhere in this Act for or in respect of such an appeal.”.

**3. New s. 57A.** The Principal Act is amended by inserting after section 57 the following section:—

“ **57A. Appeals with respect to issue of licenses for meetings and processions.** (1) Any person aggrieved by the refusal of a District Superintendent to issue—

- (a) a permit to convene, hold or address a political, religious or other meeting on any road; or
  - (b) a permit to hold a procession on any road,
- may appeal against such refusal to the Commissioner.

(2) An appeal under subsection (1) shall be instituted by the person aggrieved lodging his submission in writing with the Commissioner at his office in Brisbane.

The District Superintendent concerned shall lodge his submission in writing with the Commissioner in like manner.

(3) Upon such an appeal being duly instituted the Commissioner shall reconsider the matter of the application for the permit and, having regard to all the facts of the case including information supplied by or on behalf of the aggrieved person or by or on behalf of the District Superintendent concerned further to the information available to the District Superintendent in the first instance, may issue or refuse to issue the permit and, if he issues the same, may exercise in respect of the permit all or any of the powers that could have been exercised by the District Superintendent if he had issued the permit upon the application made to him.

(4) No appeal shall lie under this section or any other provision of this Act—

- (a) against the imposition of any condition in respect of a permit referred to in subsection (1) issued by a District Superintendent;

(b) against the Commissioner's refusal to issue a permit upon a reconsideration by him under subsection (3);  
or

(c) against the imposition of any condition in respect of a permit issued by the Commissioner upon a reconsideration by him under subsection (3).

(5) If the Commissioner upon a reconsideration by him under subsection (3) issues a permit the same shall be deemed to have been issued by the District Superintendent concerned upon the application made to him."

**4. Amendment of Schedule.** The Schedule to the Principal Act is amended by, in clause 8, omitting paragraph (j) and substituting the following paragraph:—

"(j) **Meetings and processions.** Meetings and processions on roads, the routes of funeral processions, and of processions generally, or of processions of any particular class or description and appeals against the refusal of permits for meetings or processions on roads;".

**5. Application of Principal Act as amended.** The Principal Act as amended by this Act applies in respect of any refusal of a permit to which section 57A of the Principal Act refers whether the application for the permit is made before or after the passing of this Act.